



January 25, 2012

SENATE BILL No. 378

DIGEST OF SB 378 (Updated January 23, 2012 1:38 pm - DI 109)

Citations Affected: IC 14-33.

Synopsis: Conservancy district contracts. Permits the board of directors of a conservancy district (board) to enter into contracts with local governmental agencies for purposes of implementing the district plan. (Current law permits such contracts with a person or a federal or state agency.) Adds security of any part of the district as a purpose for which the board may enter into such a contract. (Current law permits contracts for construction, maintenance, or operation of any part of the district.)

Effective: July 1, 2012.

Simpson, Walker

January 9, 2012, read first time and referred to Committee on Agriculture and Natural Resources.
January 24, 2012, reported favorably — Do Pass.

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SB 378—LS 6576/DI 44+



January 25, 2012

Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

SENATE BILL No. 378

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-33-6-13 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) The board shall
- 3 place the district plan in operation by constructing all works and
- 4 maintaining the works in accordance with the district plan.
- 5 (b) If necessary to discharge these responsibilities, the board may do
- 6 the following:
- 7 (1) Levy taxes on the real property in the district.
- 8 (2) Make assessments on the real property in the district, except
- 9 the property that is exempt under IC 14-33-7-4, for exceptional
- 10 benefits to the property and further assessments pro rata for
- 11 maintenance and operation of the works of improvement.
- 12 (3) Issue bonds and short and long term notes.
- 13 (4) Incur other debts and liabilities.
- 14 (5) Exercise the power of eminent domain, both inside and
- 15 outside the boundaries of the district, in accordance with this
- 16 article or another eminent domain statute. In the exercise of this
- 17 power, due care shall be taken to minimize interference with other

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public interests involved.

(6) Make payments for the fair value of all property taken under eminent domain proceedings, and in cases that are appealed, make the payments into court and proceed promptly in placing the district plan in operation.

(7) Institute any type of civil legal proceedings in a court having jurisdiction over the person or property in question.

(8) Purchase or rent property.

(9) Sell services or property that are produced incident to the district plan at a fair and reasonable price.

(10) Make contracts or otherwise enter into agreements with persons or federal, ~~or~~ state, **or local governmental** agencies for construction, maintenance, ~~or~~ operation, **or security** of any part of the district.

(11) Receive and disburse money.

(12) Lease land and other assets to municipalities, counties, and park boards of municipalities or counties, with the term and annual rental adequate to meet the district's repayment schedule for financing, if any, of the land and other assets leased. Municipalities, counties, and park boards of municipalities or counties may enter into leases without limitations of other statutes regarding the receipt of petitions, the duration of the term of the lease, or the distance of the land and other assets from the corporate boundaries. The municipalities, counties, and park boards may enter into leases:

(A) for terms as long as fifty (50) years;

(B) at locations that the municipalities, counties, and park boards determine would benefit the municipalities or counties; and

(C) upon terms, conditions, and covenants that are fair and reasonable.

The board may pledge the rental income from the lease as revenue for services or property produced incident to the operation of the district.

(13) Perform necessary construction and maintenance work as follows:

(A) Outside the district.

(B) Outside Indiana if:

(i) there is voluntary agreement on the part of persons outside Indiana; and

(ii) the work will confer benefits to the real property in the district in excess of costs and damages to be paid by the

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1 district.

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COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill No. 378, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 378 as introduced.)

MISHLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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